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**Docket No. RM2001-2**

**Comments Of  
Direct Marketing Association, Inc.  
EDS Customer Relationship Management  
KeySpan Energy  
Long Island Power Authority  
Major Mailers Association  
On Electronic Filing Procedures**

Direct Marketing Association, Inc., EDS Customer Relationship Management, KeySpan Energy, Long Island Power Authority, and Major Mailers Association ("Joint Commenters") hereby submit the following comments in response to Order No. 1317, issued June 14, 2001.

At the outset, Joint Commenters applaud the Commission and its Staff for the significant progress already achieved in making electronic filing and exchange of documents possible for the parties who participate actively in cases before the Commission. The strategic redesign of the Commission's website before the start of the R2000-1 omnibus rate proceeding demonstrated the benefits and potential cost savings to all parties involved in that complex case. By giving parties the option to file fewer paper copies if they filed documents electronically, the Commission provided participants with a meaningful incentive to prove the e-filing concept and held out the promise that parties would shortly be able to realize even greater savings in paper document preparation and mailing costs, a major expense for those who participate in USPS omnibus rate cases. In addition to providing direct cost sparing benefits, the enhanced website saved the parties time, the scarcest and most valuable resource in complex USPS proceedings. For example, with the new, improved website, parties to Docket No. R2000-1 were able to download, view, and begin the task of responding to discovery requests, motions, and Commission orders on the same day they were filed and posted to the web site, *often days before the paper versions arrived by mail*. Finally, the Commission did an important service to all members of the postal bar by

digitizing all of its Recommended Decisions as well as important Court opinions and making them available over the Internet and in the form of CDs. By making most of these resources available in formats that can be searched electronically, the Commission again streamlined the legal research process.

*Major credit for the success of the Commission's new website and e-filing initiative must go to the Commission's Staff. Joint Commenters recognize and appreciate the dedication and hard work that it took to keep postings current, accurate, and complete throughout the R2000-1 case, even on days when the Commission literally was flooded with filings. Without the Staff's extraordinary efforts, the website would be just an interesting curiosity without practical use by parties to these complicated proceedings. The members of the IT Staff also deserve praise for the courteous, prompt and professional way in which they assisted parties in understanding and using the Commission's website.*

Joint Commenters support the Commission's resolve to take e-filing to the next level. We urge the Commission to implement the new paperless e-filing model as soon as possible and, in any event, before the next omnibus rate proceeding is filed. Having glimpsed first hand the advantages and potential cost savings associated with e-filing in R2000-1, Joint Commenters are eager to capture the full cost and time savings possible with a truly paperless system.

Implementing e-filing now will serve to level the playing field for all parties, especially those who are geographically remote from Washington, D.C. and may have limited resources. The truth is that *all* parties have limited resources and those resources are severely taxed by the short time period available for the conduct of discovery, hearing, and briefing procedures. Joint Commenters estimate that the costs associated with copying, filing, and mailing service copies of paper documents can range up to 10% of the total cost of participation in omnibus rate proceedings. Eliminating these now unnecessary expenses will reduce substantially the onerous financial burden of participating in omnibus rate proceedings.

Joint Commenters have reviewed Order No. 1317 and the attachments carefully and understand the e-filing procedures that the Commission is proposing to implement. Joint Commenters generally agree that those procedures will provide an adequate,

secure method for the parties to exchange documents electronically. However, in anticipation of the technical conference scheduled for July 11, 2001, Joint Commenters submit the following questions and clarifications regarding the e-filing process and some suggestions for augmenting the benefits of that system:

1. As discussed in Order No. 1317 (at 2), one of the proposed requirements for e-filing will be that documents must be submitted in Portable Document Format ("PDF"), created either by the filer or by the filer using the Commission's server, and the Commission's server will generate and post a Rich Text Format ("RTF") file that can be downloaded and used by the parties for searching, cutting, and pasting. This is an appropriate arrangement for text documents since the RTF format provides both a useful electronic file format that can be read and manipulated by virtually all the major word processing programs while the PDF format functions as the "master" document that can be used for purposes of citation in pleadings, orders, and decisions. However, Order No. 1317 omits mention of the procedures and formats to be used for the voluminous accounting and mail volume information that generally is presented in the form of multi-layered spreadsheets. Our experience from the R2000-1 proceeding is that, while much of this information is available in Excel format, some presentations were only available as PDF documents that were created by scanning paper documents. We understand that the reason for using PDF in this instance was that the original presentation had been generated from mainframe systems that were not readily compatible with Excel and other popular PC-based spreadsheet programs. Whatever the reason for this practice, the resulting files were extremely difficult to use and understand, at best, and often were illegible.

It is vital that participants have such information available in a usable format that provides access to the formulae and other underlying information upon which the spreadsheets are constructed. For this reason, Joint Commenters respectfully suggest that the Commission establish Excel as the standard e-filing format for information presented in spreadsheet form.<sup>1</sup>

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<sup>1</sup> Joint Commenters take no position on the question whether such spreadsheets should be converted to PDF format by the filer or the Commission's server, but we do observe that the principal reason for doing so – solving the "same page" problem – does not exist with spreadsheets that are properly labeled, for example, by column and line number.

2. During and between omnibus rate proceedings, the Postal Service periodically provides important actual financial and mail volume information volumes to the Commission. Most if not all of this information is provided in the form of paper documents that are not posted on the web site in any format that interested parties can download, review, and analyze. Joint Commenters suggest that the Commission require all such information to be presented in formats that can be accessed from the web site.

3. As the Commission is aware, a substantial portion of the record in an omnibus rate proceeding consists of designated written cross examination that is incorporated into transcripts of the hearing. The practice of incorporating stipulated discovery responses into the record has proved invaluable in limiting the time that must be devoted to conducting oral cross examination at the hearing. Nevertheless, the current procedure of copying paper documents into transcripts has become unwieldy. During the last few cases, parties have been able to purchase the "live" portions of the transcripts in ASCII format which includes page and line numbering that corresponds to the paper version. Using these electronic transcripts can save parties substantial time, effort, and expense because parties can search the transcripts electronically and cut and paste relevant portions thereof into their pleadings, without the necessity of retyping, proofreading, and correcting the passages copied. The availability of electronic transcripts has also served to highlight the wasteful practice of transcribing paper versions of discovery documents that, for the most part, were filed electronically to begin with.

Joint Commenters understand that the Commission is aware of and has been working on this problem and may have developed a workable solution. Accordingly, we look forward to learning more about what the Commission has done and discussing the issues further with the parties at the upcoming technical conference.

### **CONCLUSION**

Joint Commenters support adoption of e-filing at the earliest feasible date. We look forward to working with the Commission, its Staff, and the other parties on the development of reasonable e-filing procedures.

Respectfully submitted

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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon the United States Postal Service and Ted P. Gerarden, the Designated Officer of the Commission, in compliance with the Commission's Rules of Practice.

Dated this 9th day of July, 2001.

  
Michael W. Hall